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Written statement*/ submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).



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ENG

Food Scarcity in Myanmar

1. The right to food is a fundamental human right, guaranteed by the Universal Declaration of Human Rights [article 25(1)] and the International Covenant on Economic, Social and Cultural Rights (article 11). Notwithstanding, the right to food of people in the Union of Myanmar has been submerged by the military domination of that country. Substantial evidence suggests that the Government of Myanmar is systematically denying food to the civilian population through a range of practices implemented to ensure perpetuation of its undemocratic rule.
2. The Asian Legal Resource Centre brought these concerns to the attention of the Commission's fifty-sixth session (E/CN.4/2000/NGO/61), in light of findings made by the People's Tribunal on Food Scarcity and Militarization in Burma. The October 1999 report of the People's Tribunal was also cited by the former Special Rapporteur on the situation of human rights in Myanmar (E/CN.4/2000/38, paragraph 37; statement to the General Assembly of October 26, 2000). The Asian Legal Resource Centre appreciates the efforts of the former Special Rapporteur to highlight food security concerns in Myanmar in the context of the systemic and flagrant human rights abuses there. The Asian Legal Resource Centre also welcomes the Commission's appointment of Mr. Jean Ziegler as Special Rapporteur on the right to food and urges him to seriously examine conditions in Myanmar as a part of his mandate.
3. The People's Tribunal has recommended to the Government of Myanmar that it "address widespread food scarcity throughout the country by giving highest priority to food security as a basic human right". Regrettably, the government has declined to entertain the Tribunal's recommendations and has demonstrated unwillingness to alter its policies and practices exacerbating conditions of food insecurity. Government claims that food scarcity does not exist in Myanmar are overwhelmed by contrary evidence. The Asian Legal Resource Centre is convinced that the government's failure to fulfill its obligations constitutes a breach of international law. The Government of Myanmar must be held responsible for the pervasive food insecurity there.
4. As outlined previously, the Government of Myanmar continues to violate the right to food through denial of the right to work, pernicious taxation, confiscation of land and repeated demands for unpaid civilian labour. It prevents or inhibits people from working freely to achieve their food security. Farmers are not permitted to choose when, where and how to cultivate. In areas of armed conflict they are subject to unstable life-threatening conditions that prevent them from using their labour, land and natural resources to earn a living. In other parts of the country, farmers are the victims of policies that place their own wellbeing after the interests of the state. Regardless of economic circumstances, civilian communities are obliged to satisfy demands for goods and services from the military.
5. Paddy farmers, the largest occupational sector of the country, are subject to a compulsory paddy-purchase programme enforced by government agencies nationwide. The quota is based upon the land-holdings of each farmer and without regard to actual production. While reports indicate a rise in paddy production and exports in 2000, the People's Tribunal has stressed that food production does not in itself equate with food security, as "rice exports and growth in GDP [are]

specious indicators of economic progress which belie Myanmar's daily hunger" (oral submission). Irrespective, government policies continue to emphasise expanded production and export earnings, as distinct from rudimentary day-to-day food security concerns of most people in the country.

6. Myanmar's armed forces continue to be directly responsible for the most severe violations of the right to food. Counter-insurgency operations randomly destroy food stocks and crops, relocate civilian communities, and expropriate cash and materials. Reports indicate that in some areas military operations directly target rural food supplies and crops without distinction, displace people from villages, scatter them into hills and jungles or force them into relocation sites. Standing between these people and starvation is nothing more than their extraordinary tenacity. Widespread dislocation is resulting in serious and long-term structural food scarcity, not mere seasonal hunger due to occasional military incursions.
7. Evidence of growing malnutrition among Myanmar's children is a particular concern. The Government of Myanmar is a signatory to the Convention on the Rights of the Child, which contains certain positive obligations for ratifying states. The High Commissioner's 2000 report on the right to food stresses those positive obligations (E/CN.4/2000/48, paragraphs 24 and 26): "By ratifying the Convention, States parties have committed themselves to take all measures to prevent and 'combat [...] malnutrition' of children and to guarantee 'the provision of adequate nutrition.'" In spite of Myanmar's ascension to the Convention, UNICEF estimates that 45 percent of Myanmar's children under five suffer stunted growth, indicating severe malnutrition that is belittled by the paltry government resources allocated to address this long-term catastrophe.
8. Violations of the right to food in Myanmar are systemically linked to the ongoing expansion of militarisation there. The former Special Rapporteur has observed that, "Extreme poverty and the absence of food security have been the result of a policy characteristic of the militaristic approach adopted by the Authorities" (Statement to the General Assembly). Routine state functions have been militarised to the extent that virtually all transactions between the people and the state involve a degree of coercion. National agricultural policy is oriented away from the people and towards satisfying military and state needs. The military presence affects even the most fundamental day to day economic decisions of regular families.
9. The right to food is universal and fundamental: it transcends national boundaries and claims of sovereignty. The international community and particularly United Nations agencies are without exception obliged to recognise the slowly emerging man-made food security crisis in Myanmar. The Asian Legal Resource Centre calls upon the Commission to:
 - a. Respond concretely to the recommendations of the People's Tribunal on Food Scarcity and Militarization in Burma.
 - b. Appoint a new Special Rapporteur on the situation of human rights in Myanmar at the soonest possible date.
 - c. Encourage the Special Rapporteur on the right to food to prioritise conditions in Myanmar among those concerns to be examined under his mandate.

- d. Examine whether in particular the Government of Myanmar has violated the Convention on the Rights of the Child by its failure to address massive child malnutrition in the country.
10. Finally, the Asian Legal Resource Centre reiterates its call that an international commission be established to examine the hidden food security crisis in Myanmar before its already endemic proportions deepen into tragedy.
